

**MINUTES
SUBDIVISION REVIEW BOARD
July 10, 2006**

Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

PRESENT: MEMBERS: Aeron Arlin-Genet (Air Pollution Control), Laurie Salo (Environmental Health), Richard Marshall (Public Works), John Nall (Environmental Coordinator), Chairman John Euphrat (Planning and Building)

ABSENT: None

STAFF

PRESENT: James Caruso, Michael Conger, Stephanie Fuhs, Elizabeth Kavanaugh, Josh LeBombard, Karen Nall, Brian Pedrotti, Mike Wulkan

OTHERS

PRESENT: Jim Orton, Deputy County Counsel
Tim Tomlinson, Public Works

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of December 5, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT:

None

CONSENT AGENDA:

- a. Minutes – June 5, 2006
- b. Request for a **First Time Extension** from **CHRIS and AMANDA LANE** for a Tentative Parcel Map to subdivide an existing 7.31 acre parcel into 2 parcels: of 4.2 acres and 3.1 acres. The project is located 6445 Squire Knoll, on the east side of Squire Knoll, approximately 4.5 miles south of the City of San Luis Obispo in the San Luis Bay planning area. APN: 076-274-009. **County File No: S020078P / CO 02-0189.** Supervisorial District 3.
- c. Request for a **First Time Extension** from **MENG SUNG of EDA, and ROBERT ROBINSON** for Tentative Parcel Map, CO 03-0301, to subdivide a 4.26 acre parcel into three parcels of 1.65 acres, 1.71 acres and .90 acre each and development of a commercial complex that includes 18,708 square feet of self-storage, 6,792 square feet of mail-order auto parts sales and auto service and 8,701 square feet of office space and project related grading of 4.2 acres. The project is located on the northwest corner of Sandydale Drive and North Frontage Road, in the community of Nipomo, in the South County planning area. Commercial Service Land Use Category. APN: 091-325-022. County File No: **S030085P / CO 03-0301.** Supervisorial District 4.

Thereafter, on motion of Mr. Marshall, seconded by Mr. Nall, and on the following roll call vote:

AYES: Mr. Marshall, Mr. Nall, Ms. Aeron Arlin-Genet, Ms. Salo, Chairman Euphrat

NOES: None

consent items a, b and c are approved as recommended by the county Subdivision Review Board and are available on file at the office of the county Planning and Building Department.

HEARINGS:

1. Continued hearing to consider a request by the **HOLMAN (FORMERLY ANDERSON) FAMILY TRUST** for a Vesting Tentative Parcel Map to subdivide an existing 4.32-acre parcel into four parcels of 1.07 acres for the purpose of sale and/or development. The project includes off-site road improvements to Cressy Street. The project would result in the disturbance of approximately 2.0 acres of a 4.32-acre parcel. The division will not create any new roads. The proposed project is within the Residential Single Family land use category and is located on the west side of Cressy Street (at 6393 Cressy Street), immediately north of Fourth Street, approximately 350 feet northwest of Highway 229 in the community of Creston, within the El Pomar planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et 0seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address ag resources, water, wastewater and are included as conditions of approval. **(Continued from April 3, 2006 and June 2, 2006). County File No: SUB2003-00307/CO05-0319.** Supervisorial District: 1. Assessor Parcel Number: 043-071-001. Date Accepted: 9/23/05. **James Caruso**, Project Manager

James Caruso, Project Manager, presents staff report. States project is located in a Flood Hazard / Combining Designation zone and is adjacent to Ag Zoned property on the west and south. Displays an aerial of the site. Reviews issues presented at last hearing regarding Ag Policy 11. Discusses location of well located in the Ag zoned land to the south of the site. Explains the reason the well was moved out of the Village Reserve Line was due to adequate separation requirements between the septic system and the community well, and to alleviate competition with Agriculture water use. States staff feels the amount of water used by this well is relatively small, and that this project is not inconsistent with Ag Policy 11. He discusses the Ag buffer issue. Reviews a slide indicating Ag buffer locations. Discusses setbacks.

Chairman Euphrat asks for clarification of buffer lines, actual setback footage, and whether the lines are surveyed lines. Mr. Caruso responds, stating they are scaled. He indicates the ag buffer may have to be adjusted slightly. Addresses flooding issues.

Mr. Caruso discusses issue of net versus gross acreage, indicating the streets have an interesting history. Indicates parcel lines do not go out to the middle of the street. Discusses community water system, stating the community will need five service connections or more than four and fewer than 14, indicating there are four currently in place. Discusses options available to accomplish this.

Richard Marshall questions status of Cressy Street and the parcel not owning to the center of the street. Asks if the applicant will be able to use Cressy Street, or whether they need to dedicate additional right-of-way within their ownership. Mr. Caruso responds, stating Cressy Street is available for use by the applicant as their access, and that the offer would not have to be on that piece of property.

Chairman Euphrat asks about Recommendation #3 on denying road adjustment request. He also questions the Findings, which don't seem consistent with this recommendation and asks for clarification or modification.

Ms. Salo indicates at this time that she has had a chance to review this project after being absent from the previous meetings, and will be able to participate on this item.

Steve Holman, applicant, presents a hand-out. He reviews the history of the application, stating the new map has been redrawn to comply with the ag buffer. Cites differences in the new Staff Report, and reviews condition related to secondary dwellings, stating they are not allowed for parcels under one acre. Discusses conflicts with the new condition, and feels it should be corrected to indicate they

are allowed, since two of the parcels are over 1-acre in size. Discusses carry-over issues from the April 3rd SRB hearing. Reviews Ag Policy 11. Addresses the FEMA 100-year flood map vs. actual survey. Presents a visual of the existing residence on the site, indicating it is built one foot above the 100-year flood mark. Reviews the geometry map.

Chairman Euphrat questions the geometry map and whether it is drawn to scale, and whether or not it was prepared by a licensed surveyor, since this was not indicated anywhere on the map.

Mr. Holman responds, stating it has been drawn to scale.

Tobey Osgood, agent, states the map in question is not drawn to scale, but the new parcel map is and indicates the correct measurements. She states the map in question was prepared by Dan King of EMK and Associates.

Mr. Holman, applicant, states perhaps a condition could be added to produce the corrected, stamped map for the record. Discusses net versus gross acreage. Indicates the parcel does not own to the center of the street. He addresses community water concerns, and the community water requirement of at least five services. Mr. Holman offers a letter from Rob Reynolds Construction regarding Creston Water Services that would be an option for the Holman / Anderson properties.

Ms. Salo states there is not a current permit for a water company in Creston. She states there were two individuals looking into creating a water company, and they were advised to work together. Indicates she would not encourage two smaller water companies competing side by side. She clarifies for the record that Mr. Reynolds does not yet have a permit for water service, and does not have a water company in place at this time.

There is further discussion.

Mr. Holman discusses the Ag buffers. Cites several prior mistakes in the conditions regarding buffers, and refers to a memo dated March 21, 2006 and an e-mail dated 3/23/06 from Mr. Caruso. Addresses further corrections that need to be made on measurements indicated. Discusses the Sunset Clause. Refers to a letter from Mike Isensee (Agriculture Commissioner) dated 6/6/2005 addressing buffer to the north. Refers to staff report of April 3, 2006 regarding the buffer. Discusses CDF required turnaround, for which there is no requirement for this project. Reviews recommended corrections to the new conditions in Exhibit B. Concludes his presentation, stating he has complied with every requirement and has addressed every possible objection to the project.

Rob Lewin, CDF, discusses CDF turnaround. Addresses page 1-19 of the staff report – he notes a 40' easement designated on the adjoining property for a future street called Calle Las Colinas - requests clarification for the turnaround. Mr. Lewin then refers to page 1-91 regarding a reference to a water storage tank, stating this is erroneous. He indicates the reference should read "community water system" since that's what will be applied. States he would like to see a change on the condition on page 1-9 under the "fire protection" or "water" sections that a community water system be created that meets the minimum requirements of the California Fire Code.

Mike Isensee, Agriculture Department, states the project has been confusing due to the fact that there has been several different maps over time. Indicates his recommendation for buffers would be: 200' from the adjacent agriculture use on the north, which is approximately 170 feet on the applicants' property, 100 feet which is less restrictive than the required creek setback on the west, 142' along the south west, and south east it should be 119'. States he does not recommend any sunsetting of ag buffers. Recommends if there is no agriculture use at the time of a hearing, there should be no ag use on this non-ag zoned property. However, he indicates there is currently an ag use on this non-ag zoned property, and he recommends an ag buffer until the ag use ceases. States the use is currently row crops and is relatively new. He can not recommend a specific time period but rather "reconsideration" would be more appropriate. Suggests fencing along the adjoining ag use to be maintained by the applicant, along with some vegetative screening along the buffers.

Laurie Salo questions the water impacts being minimal. Asks if there were an increase in water use, would there be concerns if water connections are increased to 15.

Mr. Isensee responds, indicating there has traditionally not been a lot of irrigated ag use. He states it could be a problem in the future. States in his opinion the three additional homes would not be a problem.

John Nall asks about a couple of buffer distances on the south east and south west. Asks for clarification of the prior distances mentioned, with Mr. Isensee responding.

Richard Marshall discusses sunseting of the ag buffer. Clarifies there are potentially three choices for timing of sunseting to include: 1) the buffer would cease to exist immediately whenever age operations cease to exist; 2) one year following the termination of ag operations; and/or, 3) come back for public hearing for reconsideration.

Mr. Isensee indicates this is correct and that the Agriculture Department would support the third option. States he believes there should be consultation, and indicates it would ultimately be up to the Planning Department.

There is discussion of options should agriculture use cease.

Audrey Beatty, resident of Creston and member of the Santa Margarita Area Advisory Council, offers information about the community of Creston. States the Santa Margarita Area Advisory Council members would like all concerns mitigated before approval of this project. Does not feel all problems have been solved as of today. Indicates two important concerns of the community are the FEMA map showing a flood plain, and the taking of Cressy Street, which she says is unable to be used by the community. Discusses history of flooding. Feels the project should be denied for many reasons.

Sheila Lyons, resident of Creston, discusses concerns regarding a community water and septic system. States she has a letter from Public Works stating Cressy Street has not been abandoned. Discusses 200' ag set back to the north. States allowing the Sunset Clause set back to the north would be inappropriate, as when the subdivision was created, it was conditioned that the property between Creston Hills and the town of Creston remain a greenbelt. Cites concerns with placement of wells, indicating she believes a single well would be sufficient. Discusses Ag Policy 11. Discusses FEMA map and 100 year flood plain. Feels the applicant is proposing a bad project, and feels the project should be denied due to a multitude of issues.

Kathryn Carter, resident of Creston, states she has seen the community flooded from time to time and gives some flooding history. States she feels the applicant's houses would have to be built relatively high.

Tom Carter, Creston resident, gives some flooding history. Cites some discrepancies in the staff report, indicating it incorrectly describes the creek flow direction on page 9 and on page 15. Discusses the 100 year flood plain.

Dale Tozzi, Creston resident, states Creston it is a beautiful, quiet and unique community, and wonders how it will look when additional homes are added. Indicates the residents of Creston wish to keep the area agriculture and rural as much as possible. Cites concerns with installing more septic systems and effects this may have on the community as a whole. States the water is too precious not to study how to make a correct infrastructure before proposing a project such as this one.

Mary Ann Pettyjohn, Creston resident, states her issue with no environmental impact report having been prepared for this project. Discusses the farming history of the area, wells, and waste water. States she wants the Commission to take a good look at the environmental issues of this project.

Richard Marshall asks Ms. Pettyjohn if she was aware that this property was designated Residential Single Family, and are the community members interested in changing this designation, to which Ms. Pettyjohn responds. She states they were aware of the underlying maps of the Creston El-Pomar

area and they were looked at very carefully. She indicates the community members thought, because of the water issues, the matter would have to go before the Planning Commission in order to have buildings put in place. States the members made their vision very clear regarding the General Plan update, and they made it very clear that a water/sewer system would have to be installed to protect the existing water.

John Nall asks for the zoning map to be displayed for review.

Mike Wulkan, staff, indicates he doesn't recall specific zoning changes being discussed by the committee for the Creston Community when working on the El-Pomar General Plan. States he does recall mention that community services would have to be provided for build out.

Eric Greening, public representative, states his memory is similar to the two previous speakers regarding zoning. Indicates he did not expect an erosion of the ag lands. Cites his concerns with the project and Ag Policy 11 which was in place to protect the agriculture water supply. Addresses concerns with staff report. States concerns with violations to Ag Policy 11 with regard to the possible installation of a well on this property. Discusses secondaries. Addresses requirements for vegetation buffers, and whether the matter of water needed for establishment and maintenance has been factored in. Indicates there are a huge number of questions on this project relative to the integrity of Ag Policy 11 and whatever will be done with the water.

Susan Harvey, Paso Watch, requests that no secondary dwelling be allowed and that the language on page 1-60 be stricken. Notes a correction to the Supervisorial District, stating it should be District 5 and not District 1. Discusses the El Pomar-Estrella standards regarding flood hazard zoning, and the distance requirement for a septic system from the creek edge. Questions whether the edge of the creek is considered in the Flood Hazard Zone and whether the distance should be 150' away from the edge of the creek or not. Chairman Euphrat asks staff to check while Ms. Harvey continues. Ms. Harvey indicates she could not make any sense of the map scale of the project. Cites water concerns, and septic system issues. Discusses a letter to the applicant from Cleath and Associates stating the water level of a nearby well is at ten feet. Indicates she does not believe the rationale in this letter pertains to Ag Policy 11. She believes the real concern here is not the height of homes to be built but rather the issue of septic systems. She questions where the reserve fire tanks are to be located. She indicates more details are needed before approval of the project. Ms. Harvey states she feels wells for the project should be located on the project site. She reads a section of a letter from the APCD dated March 7, 2005 regarding cumulative effects resulting from the ongoing fracturing of rural land and the increasing residential development in areas far removed from commercial services. She asks that the impact of already existing lots be studied before any further project approvals.

Kathryn Sweet, Creston resident, describes a past flooding experience of the mid 1990's of Drew Sweeney, who could not attend today. States the area for the proposed project is a flood area, and should be studied more closely before further development.

Dolores Simons, south Atascadero resident, cites her concerns regarding septic system and wells, set backs, and the absence of an environmental impact review. States she feels this is a bad project that should be denied.

Mr. Holman, applicant, responds to concerns. States he has spoken to residents in the Creston area. States prior flooding was from the main branch of the Huer Huero Creek across town. Discusses septic concerns and addresses Santa Margarita Advisory Committee (SMAC) concerns. Mr. Holman indicates that previously the majority of SMAC members had approved the proposed project. He discusses Cressy Street, indicating it will be improved, and that the street has not been abandoned. States there are no issues with CDF turnaround. Addresses the Sunset Clause, stating there is a mechanism for this which is the Planning Department. He addresses vegetative screening and fencing issues. States the El Pomar planning group indicated there is plenty of water. Allowing for this project would add a water source to the community. States he will not be paving over any ag lands.

The matter is brought back to the Board.

James Caruso, staff, states he reviewed the Land Use Policy and Title 22 Area Standards, and cites various findings. He then summarizes the project.

Chairman Euphrat cites his concerns about the map submitted that is not drawn to scale. He indicates he does not believe four parcels would work on this site.

Aeron Arlin-Genet states she feels there are too many uncertainties with the proposed project. Cites concerns with the FEMA map before final approval of project. Indicates testimonials from residents should be taken into account. Indicates her concerns with water provision. States she would prefer the well be from within the community and not located on ag lands. Discusses the issue of secondary dwellings and modifications to the set backs. Feels it would be infringing on the building. She then discusses easement issues.

Laurie Salo questions ag wells being used for domestic purposes. Questions whether the ag use well would still come into play, or would other wells be utilized. Asks for clarification. Mr. Holman responds, stating the two existing wells would be used that are already in place. States he would not drill a new well on an ag zoned parcel. Ms. Salo states the project should be conditioned to the effect that a well would not be drilled on ag zoned land.

Richard Marshall states his confusion with the establishment of a water company that has not been permitted yet and hasn't begun a permitting process. Asks about a final map, and discusses the process of approving a water company. He questions the implementation of sunset requirements of the ag buffer, and asks about the timing question. Mr. Caruso responds.

Ms. Salo explains the approval process. She indicates there are still uncertainties with a company that has not been permitted and can not provide a will serve letter. Ms. Salo indicates a thorough evaluation would have to be performed.

There is lengthy discussion of the wells to be used, Ag Policy 11, and the 100 year versus 10 year flood plain requirements.

Ms. Arlin-Genet indicates she has not seen a map regarding the 10-year flood plain.

There is further discussion of the septic system, the creek, the flood line, and further mitigation of the conditions.

Mr. Nall indicates he has several concerns. He states flooding and timing issues are critical here. States one concern is with the configuration of proposed parcels, indicating he feels there are too many. He states he feels more information is needed. Mr. Nall then discusses secondaries, indicating he does not feel there is enough information available to say they are appropriate. States his agreement with Mr. Marshall regarding the Ag Policy 11 issues.

Chairman Euphrat asks Mr. Caruso if there are findings for possible denial of this project, with Mr. Caruso responding.

Mr. Marshall makes a motion for denial of the project and suggests direction to staff to trail this item to the end of the meeting today to produce findings for denial.

Thereafter, on motion by Richard Marshall, seconded by John Nall, and on the following roll call vote:

AYES: Richard Marshall, Aeron Arlin-Genet, Laurie Salo, John Nall, Chairman Euphrat

NOES: None

ABSENT: None

the Subdivision Review Board denies Vesting Tentative Parcel Map CO 05-0319 / SUB2003-0307 based on Findings A through I in Exhibit A.

2. Hearing to consider a request by **PAUL HUMPHREYS** for a reconsideration of Parcel Map CO89-0189 to amend the mitigation agreement for Parcel 3 of CO89-0189 to allow a 1,200 square foot secondary dwelling with an 864 square foot detached garage on an approximately seven acre parcel. The proposed project is within the Residential Rural land use category and is located on the on the east side of Corbett Canyon Road, approximately 450 feet south of Oak Way, in the Arroyo Grande Fringe approximately two miles north of the City of Arroyo Grande. The site is in the San Luis Bay planning area. Also to be considered at the hearing will be adoption of an addendum completed May 4, 2006 for a previously adopted Mitigated Negative Declaration prepared for Parcel Map CO89-0189 in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Anyone interested in commenting or receiving a copy of the proposed Negative Declaration should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File Number: SUB2005-00046.** Assessor Parcel Number: 044-332-015. Supervisorial District: 4. Date accepted: January 30, 2006. **Stephanie Fuhs, Project Manager.**

Stephanie Fuhs, staff, presents project and reviews an aerial photo of the site. Discusses density and zoning. She states staff recommends approval of this project, with a minor addition to Condition #8 to include Parcel #3 in the first sentence after the words "agreement for".

Chairman Euphrat questions the amount of slope, with Ms. Fuhs responding. She indicates it becomes 16% slope behind the proposed secondary but not on the proposed project, which is fairly flat.

Richard Marshall discusses the land use category. He cites a recent project and important differences with this project. Discusses smaller parcel sizes and secondaries.

Paul Humphries, applicant, indicates he has nothing to add to staff's report. Has studied the conditions and has no objections to them. Requests approval of this project.

Thereafter, on motion by John Nall, seconded by Laurie Salo, and on the following roll call vote:

AYES:	John Nall, Laurie Salo, Aeron Arlin-Genet, Richard Marshall, Chairman Euphrat
NOES:	None
ABSENT:	None

the Subdivision Review Board adopts the mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq, and Document Number 2006-034 granting a reconsideration to amend Parcel Map CO89-0189 to PAUL HUMPHREYS is approved based on Findings A through E in Exhibit A, and subject to Conditions 1 through 13 in Exhibit B, with a change to the first sentence of Condition #8 to read: "Prior to issuance of construction permits, the applicant shall record an amendment to the agreement for Parcel #3 mitigations for Parcel Map CO 89-0189."

3. Hearing to consider a request by **MATT KIRBY** for a reconsideration of Parcel Map CO02-0057 to relocate the existing building envelope on Parcel 3 approximately 200 feet to the north to allow construction of a single family residence. The proposed project is within the Residential Rural land use category and is located on the on the north side of Hirschier Lane, approximately 1,500 feet east of Corbett Canyon Road, in the Arroyo Grande Fringe approximately three miles north of the City of Arroyo Grande. The site is in the San Luis Bay planning area. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been

identified which was not known at the time that the previous Negative Declaration was adopted on May 5, 2003 for Parcel Map CO 02-0057. County File Number: **SUB2005-00183**. Assessor Parcel Number: 044-281-050. Supervisorial District: 4. Date accepted: March 17, 2006. **Stephanie Fuhs, Project Manager.**

Stephanie Fuhs, staff, presents project. Reviews existing and proposed building envelopes.

Chairman Euphrat requests clarification of access, with Ms. Fuhs responding.

Laurie Salo asks about any differences in slope.

Ms. Fuhs responds, stating it is 11 to 12% which isn't significant. She notes a change has been added at the end of Condition 1 to read: "...as shown on the aerial attached to the Staff Report."

Matt Kirby, applicant, states the new, proposed building site has less environmental impacts on any of the flora and fauna than the old project. States there is now a paved road that has been put in by the developer close to the base of parcel #3. He is requesting approval of this project.

Thereafter, on motion by Richard Marshall and second by Aeron Arlin-Genet, and on the following roll call vote:

AYES: Richard Marshall, Aeron Arlin-Genet, Laurie Salo, John Nall, Chairman Euphrat
NOES: None
ABSENT: None

the Subdivision Review Board adopts the previously mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq, and Document Number 2006-035 granting Parcel Map CO02-0057 to MATT KIRBY is approved based on Findings A through D in Exhibit A, and subject to Conditions 1 through 16 in Exhibit B, with a change to the end of Condition 1 to read: "A reconsideration of Parcel Map CO02-0057 to relocate the existing building envelope on Parcel 3 approximately 200 feet to the north to allow construction of a single family residence as shown on the aerial attached to the staff report."

John Nall steps down for item #4, Jones.

4. Hearing to consider a request by **PATRICIA LYNN JONES** for a Tentative Parcel Map (CO05-0237) to subdivide an existing 17.46 acre parcel into two parcels of 5.00 and 12.46 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Nacimiento Lake Drive. The project will result in the disturbance of approximately 25,000 square feet of a 17.46 acre parcel. The proposed project is within the Residential Rural land use category and is located at 1295 Nacimiento Lake Drive on the west side of Nacimiento Lake Drive approximately 1,200 feet north of Adelaida Road approximately 2 miles northwest of the City of Paso Robles. The site is in the Adelaida planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 18, 2006 for this project. Mitigation measures are proposed to address noise aesthetics, agriculture, noise, public services and recreation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File No: SUB2005-00118**. Assessor Parcel Number: 026-261-041. Supervisorial District: 1. Date Accepted: January 28, 2006. **Karen Nall, Project Manager.**

Karen Nall, staff, presents project. Presents a change to Condition #3 to delete the first sentence. Staff recommends approval.

Chairman Euphrat questions Condition #7 on page 6 and asks for clarification regarding aesthetics in reference to design. Asks for clarification of the intent and asks whether it was to comply with Condition #11. Ms. Nall states it was to resolve any non-conforming or illegal buildings. He then asks about the 140 foot amount noted as approximate in Condition d.

Ms. Nall responds, stating it is due to the adjacent parcel across the road for which the road width was used.

Mr. Marshall asks if this will change item D on page 4-7, and should it be "east" instead of "western property boundary".

Ms. Nall states it should be corrected as Mr. Marshall has noted.

Jamie Kirk, agent, states applicant is in agreement with conditions as modified. Adds the applicant is not requesting any exceptions.

Aeron Arlin-Genet states this is a proposal that's taking a rural lot and splitting it into two, a strategy which is contrary to what is included in the Clean Air Plan. States concerns with a project like this creating an increase in vehicle traffic and air pollution. States she will not support this project based on these issues.

Laurie Salo addresses concerns from Environmental Health regarding the location of wells. States she would like an extended pump test conditioned for the record.

Richard Marshall proposes conditioning for an extended pump test be included as a stock condition of approval of the project.

Chairman Euphrat questions Condition C regarding lighting and whether extra protection is needed, with Ms. Kirk responding.

Richard Marshall discusses language change to Condition 2.b on page 4-8 to replace the wording "minimum four hour pump test..." to read: "...*24 hour pump test with drawdown and recovery data.*"

Thereafter, on motion by Richard Marshall, and second by Laurie Salo , and on the following roll call vote:

AYES: Richard Marshall, Laurie Salo, Chairman Euphrat
NOES: Aeron Arlin-Genet
ABSENT: John Nall

the Subdivision Review Board adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq, and Document Number 2006-036 granting a Tentative Parcel Map (CO05-0237) to PATRICIA LYNN JONES is approved based on Findings A through J in Exhibit A, and subject to Conditions 1 through 13 in Exhibit B, with a change to Condition 2.b to read: "On individual parcel wells or test holes, a *minimum 24 hour pump test with drawdown and recovery data* performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created."; with a change to Condition #3 to delete the first sentence; and, with a change to Condition 11.d to replace the word western with eastern to read: "An agricultural buffer area along the *eastern* property boundary of approximately 140 feet. No structures used for human habitation shall be permitted in the buffer area. All subsequent building permits shall show these buffers, as applicable."

Mr. Nall is now present.

5. Hearing to consider a request by **SANJAY GANPULE / OMKAR INVESTMENTS** for a Tentative Parcel Map (CO05-0323) to subdivide an existing 5.6 acre parcel into 2 parcels of 4.4 and 1.2 acres each for the purpose of sale and/or development. The project will not result in any physical disturbance. The project is within the Office and Professional land use category and is located on the north side of Las Tablas Road, east of Mockingbird Lane, approximately 1,500 feet west of Twin Cities Hospital in the community of Templeton. The site is in the Salinas River planning area. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted. **County File No. SUB2005-00188.** APN: 040-289-036. Date application accepted: March 16, 2006. Supervisorial District 1. **Josh LeBombard, Project Manager.**

Josh LeBombard, staff, presents project. Presents the site map for review. Discusses previously approved buildings on the site. Indicates staff is recommending approval.

Chairman Euphrat asks about the absence of road improvement requirements, with Mr. LeBombard responding that these requirements were satisfied with previous projects.

Pamela Jardini, agent, states the applicant is in agreement with the staff report and requests approval of this project.

Thereafter, on motion by Laurie Salo, and second by John Nall, and on the following roll call vote:

AYES:	Laurie Salo, John Nall, Aeron Arlin-Genet, Richard Marshall, Chairman Euphrat
NOES:	None
ABSENT:	None

the Subdivision Review Board adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq, and Document Number 2006-037 granting a Tentative Parcel Map (CO05-0323) to SANJAY GANPULE / OMKAR INVESTMENTS is approved based on Findings A through I in Exhibit A, subject to Conditions 1 through 6 in Exhibit B.

6. Hearing to consider a request by **GORDON HELD** for a Lot Line Adjustment (COAL 04-0532) to adjust the lot lines between four parcels of approximately 80, 99, 119, and 178 acres each. The adjustment will result in four parcels of approximately 160, 71, 117, and 130 acres. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 2575 Old Creek Road, on the east and west sides of the road, approximately five miles northeast of the intersection of Old Creek Road and Highway 1, northeast of the community of Cayucos. The site is in the Adelaida Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File No: SUB2004-00108.** Supervisorial District: 2. Assessor Parcel Numbers: 046-131-036, 037,039,041. Date Accepted: November 20, 2004. **Mike Wulkan, Project Manager.**

Mike Wulkan, staff, presents project. He displays a vicinity map for review, and explains the project is in the Agriculture land use category. He displays the aerial map for review and points out an existing avocado orchard. Mr. Wulkan indicates the proposed parcel lot line adjustment location, and summarizes expected results, if approved.

County Counsel requests clarification of the location of the land conservation parcels.

Mike Wulkan responds, indicating locations. Staff is requesting approval of the lot line adjustment. He cites a correction on page 6-1 of the staff report to delete the word "*mitigated*" in recommended action number one.

Chairman Euphrat questions why this application was reviewed quite some time ago.

Mike Wulkan responds, stating there were many design revisions due to land conservancy issues.

Aeron Arlin-Genet questions parcel not qualifying.

Smith Held, agent, states he has worked with staff for quite some time. He feels this proposed project is something everyone can live with as presented. Indicates he is here for any questions the board may have.

Thereafter, on motion by Aeron Arlin-Genet and second by John Nall, and on the following roll call vote:

AYES:	Aeron Arlin-Genet, John Nall, Laurie Salo, Richard Marshall, Chairman Euphrat
NOES:	None
ABSENT:	None

the Subdivision Review Board accepts the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq, and Document Number 2006-038 granting a Lot Line Adjustment (COAL 04-0532) to GORDON HELD is approved based on Findings A through D in Exhibit A, and subject to Conditions 1 through 11 in Exhibit B, with the deletion of the word "*mitigated*" on page 6-1 of the staff report under recommended action number one.

7. Hearing to consider a request by **JOHN DEVINCENZO** for a Conditional Certificate of Compliance (on an 80.46 acre parcel. The proposed project is within the Agricultural land use category and is located on the northeast side of See Canyon Road, approximately 1-½ miles north of San Luis Bay Drive and 2 miles north of the community of Avila Beach. The site is in the San Luis Bay (Inland) planning area. This project relies on the previously adopted Negative Declaration. **County File No: SUB2005-00099**. APN: 076-114-056. Supervisorial District 3. Date Accepted: May 26, 2006. **Brian Pedrotti, Project Manager.**

Brian Pedrotti, staff, presents project. Provides an aerial map for review. Discusses history of the project. Indicates staff is recommending approval of the Conditional Certificate of Compliance.

Chairman Euphrat questions reference to Tract 2638 on page 7-3 of the staff report and requests clarification, with Mr. Pedrotti responding there are two different applications for the same property. Chairman Euphrat then discusses the parent parcel map on page 7-9.

County Counsel refers to the numbering of the conditions on pages 7-6 and 7-7 and whether they all apply to the Certificate of Compliance, with Mr. Pedrotti responding yes.

John Wallace, agent, states the family wishes to proceed with building on this parcel which is the reason for this application. He states the applicant has no problems with the conditions, but would like condition #4 deleted in deference to condition #3, indicating they conflict.

Laurie Salo states Condition #4 is basically a duplication of Condition #3 and believes they are the same. There is discussion of the differences, and the 100' minimum requirement in Condition #4.

Chairman Euphrat indicates he does not feel condition #4 needs to be deleted.

There is discussion by the board members.

George Bettencourt, neighbor, discusses issues he has with septic being within 100' of the creek. Describes his own project. States it was very difficult to come up with 100'. He indicates he and his partners are concerned with possible resultant grading due to steepness of the proposed site. Cites his concerns with water table after wells are drilled. Indicates he would like more information regarding actual proposed plans, the septic system, number of wells to be drilled, and number of actual parcels. States he wants to protect See Canyon, and was concerned about the project as described in the public notice.

Chairman Euphrat clarifies, explaining this hearing is merely to legitimize the 80-acre parcel and not for building on the site at this time.

There is discussion of the existing fruit orchard.

Laurie Salo states she would like a condition regarding wells, as she would have concerns about wells depleting the water source. She indicates she would also like specific conditions regarding future home building on the site.

Aeron Arlin-Genet addresses the 100' setback, indicating she does not feel it should be removed from the conditions.

County Counsel suggests the second set of conditions be renumbered to avoid confusion.

Thereafter, on motion by Richard Marshall, and second by John Nall, and on the following roll call vote:

AYES:	Richard Marshall, John Nall, Laurie Salo, Aeron Arlin-Genet, Chairman Euphrat
NOES:	No
ABSENT:	No

the Subdivision Review Board adopts the previously adopted Negative Declaration prepared for the item pursuant to Public Resources Code Section 21000 et seq, and Document Number 2006-039 granting a Conditional Certificate of Compliance to JOHN DEVINCENZO based on Findings A through E in Exhibit A, subject to Conditions 1 through 9 in Exhibit B, and with Conditions 1 through 6 under Conditions of Approval for Subdivisions Using Individual Wells and Septic Tanks in Exhibit B to be renumbered consecutively to avoid confusion.

8. Hearing to consider a request by **ANGELO MORABITO** for a Vesting Parcel Map (CO 04-0582) / Conditional Use Permit to subdivide an existing 55.83 acre parcel into three residential parcels of 1.61, 1.94, 2.03, and an open space parcel of 50.25 acres as a minor agricultural cluster. The project will result in the disturbance of approximately 1.5 acres of a 57 acre parcel. The proposed project is within the Agriculture land use category and is located at 4595 South Higuera Street, approximately 300 feet east of Highway 101, ¼ mile south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 19, 2006 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, geology and soils, hazards and hazardous materials, noise, public services and utilities, recreation, wastewater, and water, and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File No: SUB2004-00235.** Assessor Parcel Number: 076-081-020. Supervisorial District: 3. Date Accepted: September 16, 2005. **Brian Pedrotti, Project Manager.**

Brian Pedrotti, staff, requests a continuance due to recently received information.

Thereafter, on motion by Richard Marshall, and second by John Nall, and on the following roll call vote:

AYES: Richard Marshall, John Nall, Laurie Salo, John Nall, Aeron Arlin-Genet,
Chairman Euphrat
NOES: No
ABSENT: No

the Subdivision Review Board continues this item to August 8, 2006 at staff's request.

9. Hearing to consider a request by **ERIC SCHAEFER** for a Lot Line Adjustment (COAL 05-0384) to adjust the lines between two parcels of 3,500 square feet each. The adjustment will result in two lots of 3,687 and 3,309 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Multi-Family land use category and is located at 2000 Ocean Street (south side), approximately 175 feet west of Twenty-First Street in the community of Oceano. The site is in the San Luis Bay (Inland) planning area. This project is exempt under CEQA. **County File No: SUB2005-00126.** Assessor Parcel Number: 062-089-012. Supervisorial District: 4. Date Accepted: June 9, 2006. **Michael Conger, Project Manager.**

Michael Conger, staff, presents project information and indicates staff is recommending denial of this project based on Findings in Exhibit A.

Chairman Euphrat questions how long the existing residence has been in place.

Bruce Ambo, agent, responds. States the reason for this request is because the parcel is not in conformance. Indicates he had concerns with setback requirements. He explains that part of the rear of the house would have to be demolished to comply. He felt an easier remedy was to process a lot line adjustment. Mr. Ambo states the applicant wishes to preserve the existing residence. States he and the applicant feel the current request would be the best way to achieve this.

Eric Schaefer, applicant, states when he bought the house it had been uninhabitable. He indicates he and his wife refurbished the residence spending over \$20,000. Explains it was his understanding a lot line adjustment would improve the property. States it would cost about \$30,000 to partially demolish the home to bring it into compliance

There is review and discussion of the aerial photo.

Richard Marshall indicates his concerns with side setback dimensions. He questions the possibility of adjusting the side setback.

Chairman Euphrat feels the board's hands are tied on this particular project, and discusses reasons why the request cannot be approved.

Thereafter, on motion by Richard Marshall, and second by John Nall, and on the following roll call vote:

AYES: Richard Marshall, John Nall, Laurie Salo, John Nall, Aeron Arlin-Genet,
Chairman Euphrat
NOES: None
ABSENT: None

the Subdivision Review Board denies Lot Line Adjustment (COAL 05-0384) to Eric Schaefer based on Findings A through C in Exhibit A.

10. Hearing to consider a request by **GARY AND MARY THARP** for a Tentative Parcel Map (CO

04-0531) to subdivide an existing 3.13-acre parcel into two parcels of 1.6 and 1.4-acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site. The project includes road improvements to San Antonio Road. The proposed project is within the Residential Suburban land use category and is located on the east side of San Barbara Road, approximately one quarter of a mile south of the the Santa Barbara Road and San Antonio Road intersection, southeast of the City of Atascadero. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 22, 2006 for this project. Mitigation measures are proposed to address aesthetics, biological resources, cultural resources and noise, and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). **County File Number: SUB2004-00114.** Assessor Parcel Number: 059-341-021. Supervisorial District: 5. Date Accepted: September 30, 2005. **Elizabeth Kavanaugh, Project Manager.**

Elizabeth Kavanaugh, staff, presents project. She displays an aerial map indicating average parcel sizes of 3.6 acres. Indicates there will be no increase in density with this request. States both lots will have street frontage, and one third of the lots in the surrounding area are under the 2.5 acre minimum size called out by the Salinas River Area Plan. She states staff is requesting approval of this project, and advises she is adding an additional Finding K to read: *"In the interest of public health and safety, and as a necessary prerequisite to the orderly development of the surrounding area, a construction of any road improvement shall occur prior to recordation of the parcel map, if bonded for within one year after recordation of the parcel map and prior to the issuance of a permit or other grant of approval for development on a parcel."* Ms. Kavanaugh states she has handed out copies of additional conditions to be included to cover tree planting requirements, and that these will be inserted after condition #17.

Chairman Euphrat questions how the second residence was legally established, with Ms. Kavanaugh responding it was established in 1980 before the current secondary dwelling ordinance was in effect. There is discussion of the documentation on file, and the original site plan with Chairman Euphrat asking for additional information from the file.

Aeron Arlin-Genet requests clarification that secondary dwellings would be prohibited if this proposal was to go forward, with Chairman Euphrat responding this is a non-conforming situation on this particular project.

Ms. Kavanaugh advises she has found the information Chairman Euphrat requested, indicating documentation shows the building permit was completed in July of 1980. She summarizes the site plan, indicating there are two homes.

Ms. Salo questions secondary versus primary houses, with Ms. Kavanaugh responding stating there are additional requirements in place that prohibit secondary units and guest houses.

Chairman Euphrat discusses the original land use permit indicating he would like to see assistance from staff, if they are available, to help determine what the land use was initially for.

Richard Marshall discusses modifying Condition #2 regarding tree removal, with Ms. Kavanaugh responding that it should be deleted.

Aeron Arlin-Genet questions the language in Finding "F" regarding density. Feels it should be changed to delete the words "development proposed". There is discussion.

Jamie Kirk, agent, states this is a south Atascadero TDC project which is unique. Indicates it does have two permitted, existing dwellings on site. There was a lot line adjustment done in 1980, and that

could be what the original permit was for. States the project was reviewed by the Santa Margarita Advisory Committee.

Chairman Euphrat questions road improvements requirements.

Ms. Kirk responds, indicating a 3' shoulder is needed and the footage is there. She discusses the frontage and proposed location for the shoulder to avoid removal of any trees.

Mr. Marshall suggests changing the language in condition #2 in Exhibit B to read "no more than one tree shall be removed to complete this improvement."

Kathryn Sweet, resident of Atascadero, discusses the Salinas River Plan minimum parcel size requirements for Atascadero Colony. States she is requesting denial of this project. Cites concerns with resultant impacts of approval of the project.

Delores Simons, resident, So. Atascadero, feels allowing lot splits is growth inducing. Cites concerns with resultant impacts of approval of the project. Feels the residents are being ignored. Is against the TDC program in Atascadero and this application.

Gary Tharp, applicant, is asking for no changes in the residence. States his son just moved into the house, and this is the reason for the lot split request. There are no plans for expansion. If so, any changes would be in the future and would be minimal. States there will be no increase in density from approval.

Chairman Euphrat questions the site plan and location of an unidentifiable building, with Mr. Tharp responding the structure in question is a shed. There is discussion on the history of the property and legality of the setback. Chairman Euphrat reviews the prior permit and indicates the second residence is legal.

Elizabeth Kavanaugh states she spoke to CDF and they are comfortable with the current setbacks.

Jamie Kirk clarifies where the hydrant is located on the property. She indicates she also checked with CDF regarding the setbacks.

Aeron Arlin-Genet addresses the site map and parcel sizes. Feels to go forward with this proposal merely adds more fuel to the fire to go to smaller parcel lots. States this project is challenging. Indicates the Air Pollution Control District is not in support of using TDC's outside of the URL, but says she sees the common sense in today's request.

John Nall states this project changes the average lot size when considering TDC's in Atascadero. States it also takes away one unit of potential affordable housing, and he hopes this won't be precedent setting.

Chairman Euphrat asks for clarification of the number of similar projects out there. There is discussion of the current status.

Richard Marshall addresses the unique circumstances of this project stating reasons why, in this particular case, he could support the project.

Laurie Salo indicates she is still uncomfortable with the cumulative effects of these smaller parcels going into 2.5 acre minimum areas. She states she is not sure a shoulder is a true benefit to the neighborhood. Discusses TDC benefits.

John Nall discusses cumulative effects and feels this project will not contribute to cumulative effects at least "physically" since there will be no physical modifications to buildings on this particular request.

There is discussion.

Thereafter, on motion by Richard Marshall, and second by John Nall, and on the following roll call vote:

AYES: Richard Marshall, John Nall, Laurie Salo, Chairman Euphrat
NOES: Aeron Arlin-Genet
ABSENT: None

the Subdivision Review Board adopts the Negative Declaration issued on May 22, 2006 pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq., and Document Number 2006-040 granting a Tentative Parcel Map (CO 04-0531) to GARY and MARY THARP based on Findings A through J, with the addition of a new Finding K to read: *"In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel."*; and subject to Conditions 1 through 20 in Exhibit B, with **changes to Condition 2 to read:** *"San Antonio Road widened to complete the project side of an A-1 (rural) section fronting the property. Oak tree removal is limited to one oak tree to complete this improvement."*; with the addition of **new Condition 19** to read: **"Prior to recordation of final map or final inspection of subdivision improvements, which ever comes first** the applicant shall replace, in kind at a [4]:1 ratio all oak trees removed as a result of the development of the project. No more than one oak tree having a five-inch diameter or larger at four feet from the ground shall be removed as a result of the tract improvements. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard-planting procedures (e.g., planting tablets, initial deep watering) shall be used; with the addition of **new Condition 20** to read: **"Prior to final inspection of subdivision improvements or grading permits, and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building."**; and, **with Conditions 18 through 20 being renumbered as Conditions 20, 21, and 22.**

Chairman Euphrat returns to Item 1, Holman – SUB2003-00307 / CO 05-0319, that was trailed to enable staff to come back with findings for denial of the project. Revised Findings for Denial are distributed for review.

Richard Marshall questions Finding B. Discusses condition regarding ag buffers indicating it should be revised to state *"...on three sides"*.

Thereafter, on motion by Richard Marshall, and second by Aeron Arlin-Genet, and on the following roll call vote:

AYES: Richard Marshall, Aeron Arlin-Genet, Laurie Salo, John Nall, Chairman Euphrat
NOES:
ABSENT: None

the Subdivision Review Board denies Vesting Tentative Parcel Map CO 05-0319 / SUB2003-00307 to the HOLMAN FAMILY TRUST based on Findings A through I in Exhibit A.

There being no further business to discuss, Chairman Euphrat accepts and received all correspondence from today's meeting and adjourns today's meeting at 1:10pm, to the August 7, 2006 Subdivision Review Board.

Respectfully submitted,
Mary Velarde, Secretary
County Subdivision Review Board